

**Remarks/Arguments**

Claims 2, 4, 6-13 and 15-19 are pending in the present application. All claims have been rejected. Claims 2 and 4 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Abrams et al. (USP 5,800,757). Claim 6 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Abrams as applied to claim 2, and further in view of Eberle et al (USP 6,131,320) or Weiner et al. (USP 4,541,190). Claim 7 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Abrams as applied to claim 2 and further in view of Bowers et al. (PG Pub 2003/0154639). Claim 8 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Abrams in view of Bowers as applied to claim 7 and further in view of Wardle (USP 4,131,657). Claims 9, 10, 11, 12, 15 and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Alberts (WO03/016017) in view of Abrams. Claim 13 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Alberts in view of Abrams as applied to claim 12 and further in view of Assalita et al. (USP 5,922,367). Claim 16 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Alberts in view of Abrams as applied to claim 15 and further in view of Hasl et al (USP 4,880,368). Claims 17 and 18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Alberts in view of Abrams and Hasl as applied to claim 16 and further in view of Hellmer et al. (USP 4,397,625). The Applicant respectfully disagrees with the present rejections and offers the following argument in support of allowance.

**Independent Claim 2:**

Independent claim 2 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Abrams et al. (USP 5,800,757).

In addition, the Response to Arguments section of the 10/14/2009 Office Action mentions Eberle et al. (USP 6,131,320) and Bowers et al. (PG Pub 2003/0154639) as further evidence of obviousness.

Applicant cannot agree because each and every limitation of amended claim 2 is not taught by the Abrams reference. Further, the Eberle or Bowers references do not cure the deficiencies of Abrams. Specifically, claim 2 requires, in-part, *"wherein the second object is a second sign and wherein the mounting feature secures the first sign to a back side of the second sign located opposite from the label."* Abrams does not teach this limitation and instead teaches a mold 20 that is used to mold a back board 200 including placing a sheet or film 204 thereon. (Col. 19, lines 51-56). The backside of the backboard is best shown by Fig. 20 as rib members 202 and a second sign is not utilized. Thus, this limitation is not met and the rejection is considered overcome.

According to the office action:

Abrams teaches mounting features but does not disclose that the mounting feature is adapted to attach to a second sign. Abrams teaches that the sign is capable of various uses including a point-of-sale sign (Fig. 21). Since it is well-known in the marketing industry to use two-sided point of use promotion signs to attract customers from two directions, it would have been obvious to one of ordinary skill in the art at the time the invention was made to connect the promotional sign of Abrams to another molded identical promotional sign in order to attract customers from two directions.

(Page 3, paragraph 7).

There is no reason or support in the prior art to modify Abrams in this way. Instead, such a modification is accomplished only through the use of improper hindsight reasoning where Applicant's claim is used as a blueprint using that which was

taught by the Applicant against the Applicant. Specifically, Abrams teaches a mold for a basketball backboard wherein the backside of a backboard is typically up against a garage or not seen by a user. There is no teaching within Abrams regarding two sided point of use promotion signs which attract customers as asserted by the office action. For that matter Applicant has not claimed a two sided sign and instead claims a second sign wherein the mounting feature of the first sign secures the first sign to a backside of the second sign located opposite from the label. Specifically, the office action has not pointed to any teaching in any prior art reference either in Abrams or otherwise that would teach or suggest modifying Abrams to utilize a second sign on the back of the backboard that potentially will not be seen by the viewing public. Instead, the only motivation or reason to modify Abrams as discussed in the office action comes from Applicant's own disclosure. Applicant asserts this is improper hindsight reasoning and evidence of non obviousness. Thus, Applicant respectfully requests the rejection be withdrawn.

Furthermore, Eberle does not cure the deficiencies of Abrams. In contrast, Eberle teaches "a free-standing, foldable floor sign includ[ing] an integrally formed handle portion and male and female hinge projections." (Abstract). More specifically, Eberle teaches two panels which are connected at the handle portion located at the top of the device. (See Fig. 1). Accordingly, Eberle does not teach *"wherein the second object is a second sign and wherein the mounting feature secures the first sign to a back side of the second sign located opposite from the label."*

Bowers also does not cure Abrams and Eberle. Bowers teaches a display frame which receives a layer of elements

located between the sign body and a front cover lens. ([0014]; see also Fig. 2). Bowers further teaches two sign bodies connected together. However, Bowers teaches these two sign bodies "in a side-by-side relation and mounted on a support surface." ([0033], see also Fig. 7). Accordingly, Bowers does not teach *"wherein the second object is a second sign and wherein the mounting feature secures the first sign to a back side of the second sign located opposite from the label."*

For the above reasons, the prior art to Abrams, Eberle and Bowers, individually, or in combination, fails to teach each and every limitation of Applicant's claim 2. Consequently, Applicant believes claim 2 and all claims which depend therefrom are in proper form for allowance and respectfully requests allowance thereof.

Independent Claim 9:

Independent claim 9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Alberts in view of Abrams. Applicant cannot agree because neither Alberts nor Abrams, alone or in combination, discloses each and every element of claim 9. Claim 9 requires, in-part, "wherein the ejector system contacts the formed sign on a side opposite from the label." Abrams provides no disclosure of an ejector system (See generally, Abrams), and the Office Action relies on Alberts to meet this limitation. However Alberts cannot cure Abrams as Alberts fails to disclose an ejector system that contacts a formed sign on a side opposite from the label. Instead, Alberts discloses a transfer device 4 which removes an earlier formed product 48 from the mold cavity 14 with vacuum cups 56 which engage the same side of the finished (label included) product 48 onto which the label 60 has been molded (Alberts, page 7, line 6 - page 8,

line 16, See especially Fig. 5), and thus does not contact a formed sign on a side opposite from the label, as required by claim 9.

While Alberts teaches that "ejection means (not shown) can be provided in the mold cavity 14," (page 7, lines 21-25) and that "different ejection means can be provided for removing products from the mold cavities 14, for instance conventional ejection pins, the product then falling from the mold 2 under the influence of gravity" (page 12, line 11-13). However, nowhere does Alberts teach "wherein the ejector system contacts the formed sign on a side opposite from the label" as is required by claim 6.

Therefore, because neither Alberts nor Abrams, alone or in combination, disclose an ejector system that contacts a formed sign on a side opposite from the label, the references cannot combine to meet each and every limitation of claim 9. Accordingly, the Applicant respectfully requests that the rejection be withdrawn. Furthermore, claims 10 - 13 and 15 - 19 depend on the limitations of claim 9, either directly or indirectly, and overcome the anticipation rejection for that same reason.

### **Conclusion**

In view of the above remarks and arguments, Applicant believes that claims 2, 4, 6-13 and 15-19 are in condition for allowance and Applicant respectfully requests allowance of such claims.

If any issues remain that may be expeditiously addressed in a telephone interview, the Examiner is encouraged to telephone the undersigned at 515/558-0200.

All fees or extensions of time believed to be due in connection with this response are attached hereto; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account 50-2098.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'TJ Zarley', with a stylized flourish at the end.

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